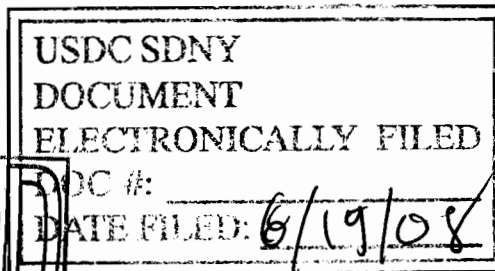
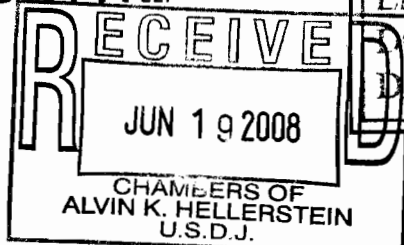


**ANDREWS**  
ATTORNEYS **KURTH** LLP



450 Lexington Avenue  
New York, NY 10017  
212 850 2800 Phone  
212 850 2929 Fax  
andrewskurth.com

Joseph A. Patella  
212 850 2839 Phone  
josephpatella@andrewskurth.com

June 19, 2008

## VIA FACSIMILE

The Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: *David Feige v RCN Corporation* 07 cv 8539

Dear Judge Hellerstein:

Counsel for the parties to the above-referenced matter respectfully request a modification of the Civil Case Management Plan Limited to Class Discovery so-ordered by Your Honor on April 11, 2008 (the "Case Management Plan") to allow the parties time to explore settlement. Mediation with JAMS is scheduled for July 1, 2008. The parties have engaged in written class discovery and have yet to take depositions. Pursuant to the Civil Case Management Plan, depositions related to class discovery are to be completed by July 3, 2008. In an attempt to avoid the significant expense related to the preparation and taking of depositions, the parties seek to conduct the mediation prior to party depositions. Extending the deposition deadline will also help the parties resolve their scheduling difficulties as Plaintiff is presently in California until the end of July. Thus the parties seek an extension of the deposition deadline and all deadlines thereafter as follows:

Current Civil Case Management Plan	Proposed Amended Civil Case Management Plan
Depositions to be completed by July 3, 2008	Depositions to be completed by August 11, 2008
Class certification discovery to be completed by July 17, 2008	Class Certification Discovery to be completed by August 25, 2008
Motion for class certification filed by July 25, 2008	Motion for class certification filed by September 2, 2008
Opposition to class certification motion to be	Opposition to class certification motion to be filed by

NYC 1781991

Austin Beijing Dallas Houston London Los Angeles New York The Woodlands Washington, DC

The Honorable Alvin K. Hellerstein  
 June 19, 2008  
 Page 2

filed by August 22, 2008	September 30, 2008
Reply to class certification motion to be filed by August 29, 2008	Reply to class certification motion to be filed by October 7, 2008

No previous request for an adjournment has been made.

Respectfully submitted

*Joseph A. Patella* (22)

Joseph A. Patella (JP 3196)

cc: Oren S. Giskan, Esq. (via electronic mail)  
 Scott A. Kamber, Esq. (via electronic mail)